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14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF ARIZONA

16 Carol Coghlan Carter, *et al.*,

17 Plaintiffs,

18 v.

19 Kevin Washburn, *et al.*,

20 Defendants.

21  
22 No. CV-15-01259-PHX-NVW

23  
24 **MOTION OF CASEY FAMILY  
25 PROGRAMS, ET AL., FOR  
LEAVE TO FILE A BRIEF OF  
26 AMICI CURIAE IN SUPPORT  
OF MOTIONS TO DISMISS**

27 Pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.2, Casey Family  
28 Programs, *et al.*, respectfully moves this Court for leave to file the concurrently lodged  
brief of *amici curiae* in support of the motions to dismiss.

27 Counsel for plaintiffs, the federal defendants, and intervenor Gila River Indian  
28 Community consent to the filing of the *amici* brief; counsel for defendant Gregory

1 McKay, in his official capacity as Director of the Arizona Department of Child Safety,  
2 has represented that he takes no position on the motion.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 This Court has wide discretion to grant *amici curiae* leave to file a brief, *see*  
5 *Council for Endangered Species Act Reliability v. Jackson*, No. 10-cv-8254-SMM, 2011  
6 WL 5882192, at \*6 (D. Ariz. Nov. 23, 2011), and has permitted such participation on  
7 numerous occasions, *see, e.g.*, *Harris v. Arizona Indep. Redistricting Comm'n*, No. 12-  
8 cv-0894-PHX-ROS-NVW-RRC, 2012 WL 5835336 (D. Ariz. Nov. 16, 2012);  
9 *Wilderness Watch v. U.S. Fish & Wildlife Serv.*, No. 07-cv-1185-PHX-MHM, 2008 WL  
10 4183040 (D. Ariz. Sept. 8, 2008); *Southwest Ctr. for Biological Diversity v. Babbitt*, 926  
11 F. Supp. 920 (D. Ariz. Feb. 1996).

12 *Amici* are national child welfare organizations with decades of firsthand  
13 experience developing and implementing the best practices and policies for child  
14 welfare decisionmaking. They are thus uniquely situated to assist the Court in  
15 understanding the significance of the issues raised in this case.

16 **CONCLUSION**

17 *Amici* respectfully request that the Court grant *amici* leave to file the  
18 concurrently lodged brief.

19 Respectfully submitted,  
20 By: /s/ James E. Tysse  
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22 James E. Tysse  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2015, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and service to counsel of record in this proceeding.

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28  
29 I hereby certify that on October 23, 2015, I arranged for a copy of the foregoing  
30 to be hand-delivered on the following day to:  
31

32 Honorable Neil V. Wake  
33 United States District Court  
34 Sandra Day O'Connor U.S. Courthouse, Suite 524  
35 401 West Washington Street, SPC 52  
36 Phoenix, AZ 85003-2154  
37  
38

1 Dated this 23rd day of October, 2015

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/s/James E. Tysse

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